SHRI NIRMAL CHATTERJEE: We cannot apply our mind. How can we participate in the discussion? Do you want our non-cooperation.

SHRI VISHWANATH PRATAP SINGH: About your mind, we know its sharpness is great and it can grasp everything very quickly.

SHRI NIRMAL CHATTERJEE: I accept the compliment...

SHRI VISHWANATH PRATAP SINGH: I only knew, Madam, that narcotics will have a sedative effect. I never knew that they will have such a stimulating effect on the House.

SHRI DIPEN GHOSH: Madam, ask the Leader of the House whether he wants the co-operation from the Opposition by their non-participation in the discussion.

SHRI VISHWANATH PRATAP SINGH: Participation.

SHRI DIPEN GHOSH: Then we must apply our mind.

SHRI VISHWANATH PRATAP SINGH: I have the fullest confidence in your competence to participate and contribute.

SHRI NIRMAL CHATTERJEE: We cannot contribute.

SHRI R. RAMAKRISHNAN: In view of his appeal, I think, we will grant him that. And you provide us lunch today, it being the last day.

SHRI NIRMAL CHATTERJEE: We cannot participate.

THE DEPUTY CHAIRMAN: Mr. Poojari.

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES BILL, 1985

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): Madam Deputy Chairman, I beg to move:

"That the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Madam, as the hon. Members are aware, the control over opium and other narcotic drugs, except cannabis, is at present exercised mainly through three Central enactments, *i.e.*, the Opium Act, 1857, the Opium Act, 1878, and the Dangerous Drugs Act, 1930. The control over cannabis group of drugs like charas, ganja, etc. is exercised through laws enacted by the State Governments. With the considerable increase in illicit drug traffic and drug abuse situation at the national and international levels over the years, many deficiencies in the existing laws have come to notice. Some of the important difficulties are, the lack of adequate provisions for implementation of international treaties relating to narcotic drugs and psychotropic substances to which India has become a party, particularly absence of provisions for effective control on psychotropic substances which are new drugs of abuse and the low levels of punishments.

Madam, as the hon. Members are aware, India has in recent years become vulnerable to trafficking in drugs as a transit country. India,

[Shri Janardhan Poojari]

geographically sandwiched between two chief illegal drug producing regions, *i.e.* Near and Middle East and South East Asia, has emerged as a transit country in drugs which are smuggled through our country mainly to Western countries. There are also reports of increasing drug abuse in the country.

Madam, serious concern has been expressed in the Parliament as well as outside about the increasing menace of illicit drug traffic and drug abuse. The Government is fully aware that unless stringent measures are taken to meet the developing situation in the field of illicit traffic in drugs and drug abuse, there may be further deterioration of the situation. The present comprehensive legislation has been proposed as an effective step to combat this menace.

The Bill will, *inter alia*, consolidate and amend the existing laws relating to narcotic drugs, strengthen the existing controls over drugs of abuse, considerably enhance the penalties particularly for trafficking offences, make provisions for exercising effective control over psychotropic substances and make provisions for the implementation of international conventions relating to narcotic drugs and psychotropic substances to which India has become a party.

The Bill will repeal the three existing Central enactments relating to opium and other narcotic drugs, *i.e.*, the Opium Act, 1857, the Opium Act, 1878, and the Dangerous Drugs Act, 1930.

Under the scheme of the Bill, control over cultivation of opium poppy, production of opium, manufacture of alkaloids, export of opium and alkaloids for medical and scentific purposes, will continue to be controlled and regulated by the Central Government. Central Government's control will also extend to the manufacture of other manufactured narcotic drugs. Further, the Bill empowers the Central Government to exercise control over various operations in respect of psychotropic substances which are new drugs of abuse. The import into and export from India of all narcotic drugs and psychotropic substances will, of course, be regulated and controlled by the Central Government.

The State Governments have been empowered mainly in the field of controlling and regulating internal operations like possession, transport, purchase, sale, inter-State movement, use, etc. of narcotic drugs only. Secondly, the distribution of the field of control between the Central Government and the State Governments under the existing enactments is being retained in the proposed legislation.

The internal operations in respect of cannabis group of drugs, *i.e.*, charas, ganja, etc. are for the first time being brought within the ambit of the Central legislation through this Bill. Under the scheme of this Bill, the States will be empowered to control and regulate cultivation of cannabis plant for production of ganja and other internal operations in respect of cannabis. However, charas would continue to be completely banned. I may also like to mention here that while we have included ganja, apart from charas, within the ambit of the proposed legislation, we have excluded bhang from the coverage of the Bill

As regards punishments, we have made provisions for deterrent punishment in respect of trafficking offences, both internal and international. The minimum punishment for such offences provided in the Bill is rigorous imprisonment for 10 years which may extend to 20 years and also a minimum fine of Rs. 1 lakh which may extend to Rs. Two lakhs. In respect of repeat offences of this nature,

the proposed legislation provides for a minimum punishment of rigorous imprisonment of 15 years which may extend to 30 years and also for a minimum fine of Rs. 1.5 lakhs which may extend to Rs. 3 lakhs.

While the aforesaid punishments would be attracted in respect of offences relating to various narcotic drugs (including charas or hashish) and psychotropic substances, it is proposed to provide for lighter punishment in respect of offences relating to cannabis cultivation and ganja for which the proposed legislation provides for a maximum term of rigorous imprisonment of 5 years and maximum fine of Rs. 50,000. For repeat offences relating to the same, the rigorous imprisonment may extend to 10 years and fine to Rs. 1 lakh. However, it is not proposed to provide for a minimum punishment or fine for these offences.

[The Vice-Chairman (Shrimati Kanak Mukherjee) in the Chair].

In the matter of punishments, we have provided for a different treatment to drug abusers and drug addicts. The proposed punishment for consumption of hard drugs like cocaine, morphine or heroin or any other notified narcotic drug or psychotropic substance or for illegal possession of the same in a small quantity for personal consumption is 1 year's imprisonment or fine or both. For such offences in relation to other narcotic drugs and psychotropic substances, the proposed punishment is 6 month's imprisonment or fine or both. In the case of an addict found guilty of an offence of consumption of any narcotic drug or psychotropic substance or possession of the same in a small quantity for personal consumption, the court is proposed to be empowered to release an offender on probation for medical treatment for de-addiction etc.

The Bill also contains a provision empowering the Central and State Governments to establish centres for identification, treatment etc. of addicts.

The Bill also contains a provision whereunder the Central Government may constitute an authority or a hierarchy of authorities for the purpose of exercising specified powers of the Central Government.

Madam, I am sure that with the provisions proposed in the Bill, some of which I have briefly mentioned in my speech, the Government will be able to combat the increasing menace of drug trafficking and drug abuse effectively and more successfully. I move.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): There is one amendment by Shri Ramakrishnan. Let him move his amendment, without speech

SHRI R. RAMAKRISHNAN (Tamil Nadu): I move:

"That the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected therewith, be referred to a select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Nirmal Chatterjee
2. Shri Lal K. Advani
3. Shri Parvanthaneni Upendra
4. Shri Sankar Prasad Mitra
5. Shri S. W. Dhabe
6. Shri Ghulam Rasool Matto
7. Prof. (Mrs.) Asima Chatterjee
8. Shri P. N. Sukul
9. Shri Bhagatram Manhar
10. Shri R. Ramakrishnan

With instructions to report by the first day of the last week of the next Session."

Madam, I have not omitted a lady Member.

The questions were proposed.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): The amendment moved by Shri Ramakrishnan and the Bill are now open for discussion. Shri Nirmal Chatterjee.

SHRI NIRMAL CHATTERJEE (West Bengal): Madam, in the morning when we said that we were not prepared for discussing this Bill, we were not being dishonest. We are not members of the ruling party. In fact, when the newspaper report appeared that this Bill is going to be taken up, we were taken by surprise. After that when the papers came, that was 9 A.M. since then I have not turned a single page of the Bill excepting to learn that the number of clauses was 83 which was quoted here. Therefore from our party, we are completely unable to speak on this Bill and would request the Minister to support the amendment moved by Shri Ramakrishnan to send it to the Select Committee. Thank you.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): So, Mr. Nirmal Chatterjee is not speaking. I would now request Mr. Ramakrishnan to speak.

SHRI R. RAMAKRISHNAN: Thank you, Madam Vice-Chairman. At the outset I would welcome and support this Bill despite all the objections which have been raised, because I think it is a very important Bill which was long overdue, and on a very important subject, which is not only going to affect the teeming millions of the country but is also really causing concern to the entire world particularly because the drug abuse has become almost a menace, more particularly in the college campuses and university campuses where more and more students are now taking to this. These drugs strike at the very root of the character and the saying that a child is the father of man, will become true, and if this is allowed to go on unchecked, I think we will have a nation, if not the world, full of drug addicts, causing untold misery.

The reason why I have moved an amendment to send this Bill to the Select Committee is that although the Government, in its various wings, has taken a detailed view of the whole thing, and in fact, I think this was referred to a National Committee on drugs under Mr. Gopalan or somebody; I have not had the opportunity to go through that report though I saw a few press cuttings here and there, but I think largely the Government has taken note of the recommendations made by the Gopalan Committee and brought forward this Bill, but still if it goes to the Select Committee, some more discussion on this very important subject can take place. My motion also says that the Select Committee could finish its work before the next session, so that 3 months is not a very long time. So. I would request the Minister to agree to it.

Anyway, coming to the Bill itself, the Statement of Objects and Reasons itself and also the main Bill and the Minister while making his speech, has outlined the necessity to amend 3 or 4 other outdated Acts like Opium Act of 1857, Opium Act of 1978 and Dangerous Drugs Act of 1930. Those days, drug abuse was not so much but today with so many substances, as the Bill itself is rightly entitled, it is not only the narcotic drugs which are traditional, like opium and things like that which you know of, but today there are so many psychotropic substances which are more elaborately described on page 32 of the Bill. The Schedule contains the names of so many latest drugs like the LSD and all that. The names of various drugs have been mentioned in the Schedule. For insatnce, Madam, we know the commonest forms, the terms in which these drugs are referred to at least by the people in the trade and the users. They call the heroin as smack. the

hashish as ash, marijuana as grass and cocains as coke. These are the commonly used epithets and these are the drugs which are more easily available on the streets. Of course, Delhi has become a very big centre for drug trafficking. Here, they have their own local brands called swamiji and so many other things. I am not an expert on this. My real concern is. how this menace can be tackled. Madam, about ten or twelve years back, there was a lot of concern expressed over this menace. About twenty years back, when I was a student, I knew of a few students trying to smoke marijuana or something like that, pot or something. At that time, there were only a few places in our country which one could call as the high spots or hippy areas like Goa. Manali, Rishikesh etc. to which this was confined. But now, Madam, in the last fifteen or twenty years, this has spread to almost every street corner in our major metropolitan cities.

Madam, if there is one person in the world whom I personally detest and whom the whole society should detest, it is the drug peddlar. You can forgive a smuggler of contraband goods. You can forgive a smuggler of gold, although he is indulging in an anti-national act. You can even forgive—sorry to use the term. Madam—a pimp because he is doing something out of poverty. But if there is one person whom you should not forgive, whom the society will never forgive, it is the drug peddlar. Because, when a person gets addicted to drugs, not only does he completely lose his health, wealth and everything, but he loses his entire character. Then, the drug peddlar has a sort of tendency which one can easily describe as leper touch. Although leprosy is just an ordinary disease—in fact, it is a much maligned disease it is like any other disease which a man can get—you often find that a leper is looked down with some kind of contempt, because, when he is there, he tries to touch your feet, he tries to touch other persons and do so many other things. In the same way, a drug peddlar not only wants to ruin himself, but he tries to get others involved in the process and this is how exactly the drug addiction has been on the increase. What does the drug peddlar do. First, he gives some quantities of drugs free so that a person may get addicted to it. Once a person gets addicted to it, he does not want to leave it; he steals money, he does so many other things in pursuance of his desire to quench his thirst. He will do so many things till he becomes a complete wreack. Therefore, this menace is something which he got to be controlled. Madam, clauses 23, 24, 25 and other related clauses provide for punishment of ten years, twenty years and so on The Bill has provisions for deterrent punishment. In the old Act, the punishment was only two years, three years, four years. But taking into account the realities, the Minister has come forward with deterrent punishment, which is welcome. As per clause 24, the fine is one or two lakhs of rupees. I do not know whether the Minister is aware—I am sure, he is aware—that these drug syndicates roll in crores of rupees. They revel in luxury. They have the latest mercedez benz and other cars. If you go to their apartments, you will see that they live in regal style. Therefore, I would say, this fine of one or two lakhs of rupees is insufficient. It should be raised to five or ten lakhs of rupees, which they can very easily pay. But fine only will not do. I would, in fact, go to the extent of saying that there should be fine plus mandatory compulsory punishment of at least ten years, twenty years, if anybody is cought. Particularly, I am talking about those engaged in our controlling this trade. This is very essential. The hon. Minister should consider this.

Madam, there are two or three suggestions I would like to make.

[Shri R. Ramakrishnan]

The drug sellers have been identified by the INTERPOL the narcotics department and other organisations. I do not know whether it is under the Ministry of Finance or the Ministry of Home Affairs; there is a narcotics cell in the Government of India. I think it is under the Ministry of Finance. The drug sellers and the drug peddlars have been broadly identified. Because of the huge amount of money involved in this trade, the drug peddlars have complicity with the police, the customs and other persons who are supposed to punish them. There, just as you are giving rewards and inducements to the customs officers who are catching the contraband gold, etc., you should give similar rewards and inducements to even the lower ranking officers so that they will not take any money or bribe from the drug peddlar and they will be honest. Then the drug selling areas should be identified. In fact, in Delhi there are areas like Paharganj, Jangpura, Vinay Nagar, Kingsway Camp, Mukherjee Nagar, etc. which have been identified as areas where drug is available. If the operation on a war footing is done by both the customs authorities and the police, you can easily eradicate this menace. Similarly in all the metropolitan cities like Bombay, Calcutta, Madras wherever drug menace is there, you should launch an aggressive time-bound campaign. It should be on a continuous basis. It is not a one-time problem, and for that there has to be a continuous effort on the part of the concerned authorities. This should be done and closely monitored by a cell consisting of the Secretary or a person in the Ministry, plus the Minister should also hold meetings and review the position from time to time. International organisations like INTERPOL and the Narcotics Boards should have close coordination. The trouble with India, as the Minister himself outlines in his speech, is that it is sandwiched between the two famous countries. One is the famous area which is called the golden triangle and the other is the crescent triangle and India lies in between. The golden triangle consists of Thailand, Burma and Laos. From the ancient times heroin was smuggled out from these areas. The crescent area which is more important in recent times consists of Afghanistan, Pakistan, Iran and even Iraq. Even the World International Narcotics Board which met in Vienna identified that India has become a very big transit point for drugs. Particularly, the Bombay and Delhi airports were identified. Of course, Pakistan is also abetting and aiding. In fact, it is rather sad, the U.S. Government is so much concerned about drug smuggling and drug menace that nearer home they have Caribean, Bolivia and Peru where cocain and other things are smuggled through Cuba, Miami and other places. On the other hand, drugs come to Karachi, Delhi and Bombay also. Knowing the huge damage which this can do to the entire moral character of the nation, the U.S. Government has launched a very severe offensive on drugs and they have identified India as a control point. So, they are also closely coordinating with the Indian Government.

In fact, the other day while making a speech on the Frank Camper terrorist school I raised the point that the US Government should immediately close down this school because if India were not to take such concerted measures and say, all right, we will close our eye on the drug which is going out of the country, what will happen to the U.S. Therefore, U.S. should realise the *bona-fides* of India, that here is our Parliament, our Government which is so much seized of the situation that they have come forward with this Bill at such an early stage.

According to the reports coming from the All-India Medical Institute

and other hospitals, between 1980 and 1985 the number of drug addicts has risen from hundreds to thousands. Now there are two aspects of this. One thing is preventive and the other is curative. Drug addicts should be cured of their drug addiction. De-addiction is a long process. A person has to go to the de-addiction centre. First he has to be flushed out, then he has to be given post-addiction treatment. The most important is that he should be given counselling So, the psychiatrists and others should teach the students and others who are drug addicts. Auto-rickshaw *wallahs and phati-phati wallahs* are also drug addicts. They should be given a lot of counselling and post-de-addiction care. For this the Ministry of Social Welfare or any other concerned Ministry should start more and more de-addiction centres attached to hospitals and see that de-addiction takes place. Also there should be highlighting through the media about the ill-effects of drugs just like prohibition, although it is there on paper as the Directive Principles are there in the Constitution and every State is paying only lip sympathy to prohibition. But still on paper they advertise: Liquir is harmful and all that. Similarly, on the cigarette packets they have now made it compulsory to print: Cigarette smoking is injurious to health. But in the case of drugs, I think it is very very important, being a sensitive thing, to highlight it through the media, through the Doordarshan, radio and also through your mass media. The DAVP and others should launch a compaign to show the ill effects that drugs can create. So many stories are coming in the papers about the personal experiences of addicts. All these should be highlighted. In fact a feature film can be made by the Government in the Ministry of Information and Broadcasting to show the ill effects of drugs.

Again, we should have family workshops and family counselling among persons. The causes of drug addiction are perhaps some frustration in love life or some other social causes. These have all been identified and family counselling and family workshops should also be set up by the Government to see that this menace is controlled.

Before I conclude, I would only like to say that Pakistan is aiding and abetting heroin smuggling and this has been identified that CIA throughout the world is the agency which helps this. There is a report in the Times of London and also a book called "Authentic Truth" which has been published by a Danish journal. Handrad Kruger, about the connection between trafficking in drugs and financing the counter-revolutionary movements by the CIA. So the US Government, unfortunately, speaks with two tongues. On the one hand it wants to control the drug menace in the country, on the other hand it allows the CIA to operate and use this drug trafficking for some financing of counter-revolutionary movements in the name of democracy. Fortunately, I think drug addiction in the Eastern bloc of countries and the Soviet Union is not there to that extent—or at least the information on it does not come through. So their moral character is safe. In this connection, I would also like to say that the moral character of this country has to be kept up. One Dr. M. P Gupta, who is a physician in Delhi, has written a book "Eight-point Plan for world harmony". In that book he has highlighted several steps. This has been mentioned in the Rajya Sabha and the Lok Sabha also. He has given so many suggestions to improve the moral and spiritual character of the country. This can also be considered. It is just a suggestions that the Minister can go through that book.

With these words, I strongly welcome and support this Bill, but I still hope that you will send it to the Select Committee. I congratulate

[Shri Ramakrishnan]

you for taking a very bold step on such an important issue. Thank you.

SHRI VISHWA BANDHU GUPTA: (Delhi): Madam, first of all I would like to congratulate the Minister for bringing into focus this very important matter which affects the life of young people in our country. Madam, you would perhaps know that just in the capital there are estimated to be 100,000 young people—boys and girls—who are addicted to these drugs that my learned colleague, Mr. Ramakrishnan, has mentioned. This is a menace which is very bad in the sense that it enters family life, it breaks up families, breaks up the total life cycle of a person. It produces more and more criminals. If there were people who were just taking drugs and hiding somewhere or going to sleep, perhaps it would not have mattered so much, but drug addiction does bring forth crime to a greater degree in our country. This is true throughout the world and I think the focus is now coming very very much on drug addiction throughout the world.

I think the deterrent punishment that has been suggested in the Bill perhaps could be even more deterrent. Madam, you might know that there are countries in which peddlars and people dealing in drugs can be punished with capital punishment—not just a long life term, but capital punishment. I think if the country considers this matter to be serious enough, that it is equivalent to murder when you give drugs to young people and get them hooked up as they say, then this capital punishment may be and should be considered. Coming to the rehabilitation camps, the camps we have and the facilities we have in our hospitals for the cure of the habit and rehabilitation of the young people are totally inadequate. Even in the camp that is there in the AIIMS in the capital, there are not adequate facilities and it is not frequently that one can go there since there are thousands of people who want to get in there. So, it is difficult to get admission even in Delhi. There are camps in Rajasthan but there are problems even there. Sufficient number of doctors are not there to meet the situation. So, this is a matter to which the hon. Minister may kindly give his attention.

I think smuggling is another area to which greater attention should be paid by the hon. Minister. He happens to be the Minister for Finance and smuggling as such is also his concern. Smuggling of drugs is another problem and very sophisticated methods are being utilized by the drug smugglers in trying to get drugs inside the country and also to take drugs outside the country. As you know, Madam, India is being used as a transit point also. Drugs enter from one point and go out from the other point and they are sold on the way. Now it should be possible, by a careful examination and identification of these routes, what they call, international drug routes, to try and stop this menace by having a special task force for getting down to know this smuggling situation. In this case it would be certainly necessary to have international cooperation and I think cooperation of the neighbouring countries would also be available to the Minister and the Government of India, if it is sought, and I am sure a serious effort would be made in this direction for a coordinated effort in trying to stop smuggling with the help of these countries also because practically all the countries in our neighbourhood are interested in stopping this menace. Perhaps there are some agencies, spying agencies, which may try to use these drugs as a means of getting information. That apart, generally when commercial transactions are required and where the Mafia is involved, it should be possible to get cooperation from all the neighbouring countries

Madam, the main point that I would like to make is with regard to the question of education. It is because of lack of education at home and lack of education in the educational institutions that young people get hooked on to these drugs. Now, there can be seminars. There should be siminars and camps organized by parents, teachers and drug addicts where drug addicts who have left the habit can also be brought to explain how they got rid of the habit and kicked the habit. This can be telecast and broadcast over the radio. This can be a very effective method for educating our young children—this can be made a part of our education system—so that less and less boys and girls take to this.

Another point that I would like to make is, we ourselves, as Members of Parliament, can also make a special effort in our constituencies through our political workers to educate people at the grassroots level about drug addiction. We do carry political messages and this message, which certainly is a social message, can also be carried through our channels, through political organizations and social welfare organizations and other organizations and we can try to stop this menace through this.

Then comes family counselling. In the *mohallas* and streets and wherever people live you can identify where in a family a particular boy or girl is addicted to drugs and they should be helped by the welfare ornizations. Sufficient information should be given as to where the rehabilitation camps are and how one can get rid of this habit. Sometimes they may even need financial help. This is one area in which the Minister may kindly look into, whether some kind of financial help can be given to these welfare organisations for trying to stop this drug abuse.

Madam, once again I would like to congratulate the Minister for bringing in the stringent measure. But consider more stringent measures, if necessary, to try to stop this menace.

Thank you very much.

श्री हुक्मदेव नारायण यादव (बिहार): उपसभाध्यक्ष महोदया, जो विधेयक सदन में आया है इस देश का अन्दर कोई भी सभ्य नागरिक इसका पुरजोर समर्थन करेगा ही और सरकार के सामने भी मजबूरी थी, जल्दबाजी में इन को पास करना चाहती थी। विधेयक प्रस्तुत करते समय हम लोगों ने जो कुछ विरोध किया था वह प्रक्रिया सम्बन्धी था, इस विधेयक का नहीं। इस विधेयक का तो हम समर्थन करते ही हैं और सदन नेता वित्त मंत्री जी ने जो सदन को आश्वस्त किया उससे हम लोग इस बात के लिए राजी हो गये कि इस विधेयक के ऊपर सदन में विचार हो और जल्द से जल्द इस विधेयक को पारित करके कानून का रूप दे दिया जाए।

महोदया, मैं उस इलाके से आता हूं जो नेपाल से सटा हुआ इलाका है। गांजा, अफीम और हैरोइन के बारे में तो मैं पहले जानता भी नहीं था। हैरोइन की तस्करी के बारे में पहले मैं यह समझता था कि यह कोई सिनेमा वाली हिरोइन की तस्करी होती है। बाद में लोगों ने बताया कि यह पीने वाली हैरोइन होती है। मैं तो कोई और हैरोइन समझता था। हैरोइन का नाम, स्मैक का नाम, पता नहीं क्या-क्या नाम इन नशीली पदार्थों को देते गये। जो ये मादक द्रव्य हैं उनका कितना से कितना, लघु से लघु संकर्षण करते चले जाएं और उसका सार तत्व निकालते जाएं जायें, कम से कम और ज्यादा से ज्यादा शक्तिशाली पदार्थ को लेकर अधिक से अधिक पैसे का उपार्जन कैसे किया जाए इस ओर अपराधी का ध्यान रहा है। इस ओर भी हमें सोचना चाहिए। नेपाल से सटा हुआ हमारा इलाका है। जहां हमारी बस्ती है वहां पर नेपाल के उस रास्ते गांजा आता है। जो गांजा का व्यापार करते हैं वे रात में दूसरे लोगों को, गरीब लोगों को, मजदूरों को, 100, 150, 200 आदमियों को सिर

[श्री हुक्मदेव नारायण यादव]

पर गठरी लेकर बीचों-बीच रास्ते में भेजते थे। ये आदमी जो गठरी लेकर जाते हैं ये अपने लिए नहीं ले जाते हैं। इसमें मैंने एक जगह पढ़ा है कि बहुत कम सजा इसमें रखी गई थी। मैं यह कहना चाहता हूं कि गांजा की तस्करी करने वाला जो होता है, जो गठरी ले जाता है खुद वह मजदूर है। हमारे यहां वह मजदूरी करता है। उस मजदूर को वह व्यापारी 50 रुपये दे देगा, 100 रुपये दे देगा या 200 रुपये दे देगा। वह गरीब आदमी उसको ले जाएगा उसे पता तक नहीं होता इसमें क्या है। उसके सामने रोजी-रोटी की बात रहती है। वह समझता है कि इस गठरी को उठा कर ले जाने में उसे 25–30 रुपये मिल जायेंगे। उसके बाल-बच्चों का काम चल जायेगा। जो इन गरीबों से यह काम कराता है उन्हें मैंने देखा है कि उनके पास कितने ही अच्छे हथियार होते हैं। एक गैंग पीछे से हथियार लेकर उस आदमी का स्काट करता रहता है कि अगर वहीं वह पकड़ा गया और मुठभेड़ हो गई तो उसका सामना कर सकेंगे। हमारे यहां जो इलाके हैं—दरभंगा, मधुबनी, सीतामढ़ी, चम्पारन और सटा हुआ उत्तर प्रदेश का इलाका और बिहार के पुर्णिया में चले जाइये, ये जो इलाके हैं वहां इस मुठभेड़ में सरकार के जो निष्पक्ष और बहादुर कई अधिकारी होते हैं, मारे जाते हैं। उनकी जिन्दगी भी चली जाती है। उनको ट्रक से दबा दिया जाता है। उनको जीप गाड़ी में गिरफ्तार करके ले जाते है और रास्ते में, जंगल में जाकर उसे जीप गाड़ी से उठा कर फेंक देते हैं, दबा देते हैं गाड़ी के पहिये के नीचे। ऐसे लोगों को आपको देखना चाहिए। लेकिन दुर्भाग्य है कि जो सरकार के अधिकारी अपनी निष्पक्षता के कारण गांजा और नशीली पदार्थों की चोरी करने वाले के हथियारों से मारे जाते हैं या उनकी हत्या कर दी जाती है उसके लिए सरकार की आंख में कोई आंसू नहीं होता है। आंसू उनके लिए होता है जो तस्करों से मिल कर अरबों की चोरी करवाते हैं, स्मगलिंग करवाते हैं और उसमें हिस्सा बटवाते हैं। जो मिल कर खाते हैं उनकी चांदी होती है। उनके लिये सरकार की आंख में आंसू होते हैं लेकिन जो इसको रोकने में अपना सब कुछ दे देते हैं, अपना जीवन बलिदान कर देते हैं, उनके बच्चों के पालन पोषण के लिए सरकार के पास कोई प्रावधान नहीं है, उनके लिये सरकार के पास कोई कानून नहीं है। सरकार से मैं यह भी निवेदन करना चाहूंगा कि नशीले पदार्थों का व्यापार करने वाले जो लोग हैं और जो सरकारी कर्मचारी इनको रोकने में लगे होते हैं उनके बीच में कई बार मुठभेड़ हो जाती है और उस मुठभेड़ में अगर कोई मौत हो जाती है तो उनके लिए और उनके परिवार वालों के लिए कोई मुआवजे की व्यवस्था आपने इस विधेयक में नहीं की है। मैं चाहता हूं कि इस प्रकार की व्यवस्था सरकार को करनी चाहिए। अगर कोई इस प्रकार से मर जाय तो इसके परिवार का क्या होगा? उनके बाल-बच्चों का क्या होगा? आपको पुरस्कार की भी व्यवस्था करनी चाहिए। दण्ड की व्यवस्था आपने की है। अगर कोई व्यक्ति स्मगलिंग करते हुए, नशीले पदार्थों की तस्करी करते हुए पकड़ा जाय तो वह जिस इलाके में काम करता है, जहां पर इन प्रतिबन्धित चीजों का उत्पादन होता है वहां पर इन चीजों को रोकने की जिम्मेवारी जिस अधिकारी की होती है, उसके विरुद्ध भी सख्त कार्यवाही करने की जरूरत है। आपने इस बिल में सजा की व्यवस्था की है, लेकिन मैं कहना चाहता हूं कि 20 वर्ष की सजा या लाख, दो लाख रुपये जुर्माना कर देने से क्या बनता है। इनको सख्त से सख्त सजा दी जानी चाहिए। देखने में यह आता है कि इन नशीली वस्तुओं का जहां पर उत्पादन होता है, यह वहां के संबंधित अधिकारियों की सहमति के बिना, उनकी मिलीभगत के बिना और कानून को तोड़े बिना नहीं हो सकता है। सरकारी अधिकारियों के गठबंधन सहयोग, समर्थन और मिलीभगत के बिना यह काम नहीं हो सकता है। इसलिए मेरा निवेदन यह है कि इस प्रकार के अपराधों के लिए आप सख्त से सख्त सजा का प्रावधान कीजिये। उनके लिए कठोर दण्ड की व्यवस्था की जानी चाहिए।

इस बात की तरफ भी ध्यान दिये जाने की आवश्यकता है कि जिस व्यक्ति के माध्यम से नशीली चीजों को एक स्थान से दूसरे स्थान पर ले जाया जाता है उससे यह पता चल जाय कि किन पदार्थों का व्यापार करने वाला कोई दूसरा व्यक्ति है तो उसके खिलाफ सख्त कदम उठाया जाना चाहिए। 10 साल या 20 साल की सजा से कुछ होने वाला नहीं है। एक लाख या दो लाख रुपये जुर्माना कर देने से कुछ होने वाला नहीं है। अगर किसी व्यक्ति की कोई हत्या करता है तो उसको फांसी की सजा दी जाती है। लेकिन इन नशीली वस्तुओं का व्यापार करने वाले लोगों के लिए, जो इन चीजों की तस्करी करते हैं, समाज में नवयुवकों का चरित्र बर्बाद करते हैं, उनके परिवार में आग लगाते हैं, उनका जीवन नष्ट करते हैं, उनका स्वास्थ्य नष्ट करते हैं, उनकी सम्पत्ति नष्ट करते हैं उनके लिए छोटी सजा से काम चलने वाला नहीं है। इस प्रकार के लोग जो नशीली वस्तुओं की तस्करी करते हैं उनकी सारी जायदाद जब्त कर ली जानी चाहिए। कानून में आप इस प्रकार का प्रावधान कीजिये कि ऐसे लोगों की सम्पत्ति जब्त कर ली जाय, उनकी नागरिकता समाप्त कर दी जाय। वे भारत की धरती पर नहीं रह सकते हैं, उनको सम्पत्ति का अधिकार नहीं होगा। भारत के अन्दर वे अगर रहेंगे तो सारी जिन्दगी कारावास में रहेंगे। एक लाख, दो लाख जुर्माने से उनका कुछ बिगड़ने वाला नहीं है। एक लाख, दो लाख रुपये तो ये लोग पंच सितारा होटल में खर्च कर देते हैं। श्री जनार्दन पुजारी जी, आप के लिए, हुकमदेव नारायन यादव और यहां के माननीय सदस्यों के लिए एक लाख, दो लाख की कोई कीमत हो सकती है, लेकिन इन लोगों के लिए इसकी कोई कीमत नहीं है। अखबारों में हम पढ़ते हैं कि कई अरब रुपयों की नशीली चीजें पकड़ी गईं। नशीली वस्तु पांच किलो की है और उसकी कीमत कई करोड़ की। माल 10 किलो, लेकिन उसकी कीमत कई लाख करोड़। इस प्रकार की स्थिति है। इसलिए मेरा निवेदन है कि जो लोग इन नशीली वस्तुओं का व्यापार करते हैं, इसमें सहयोग करते हैं उनको आप सख्त से सख्त सजा दीजिये। जो लोग इस व्यापार में साझीदार हों, प्रत्यक्ष या परोक्ष रूप से जिनकी इसमें हिस्सेदारी हो, उनके लिये इस तरह से कड़े कानून बनाये जाएं कि अगर उनको पकड़ा जायेगा तो उनको सख्त सजा दी जायेगी उनकी सारी सम्पत्ति जब्त की जायेगी और दूसरी तरफ जो सरकारी अधिारी . . .

1 P.M. SHRDLU CMFWY

SHRI S. W. DHABE (Maharashtra): It is already one o'clock. Let him continue after lunch.

श्री हुकमदेव नारायण यादव : आप लंच कर दीजिये, मै उसके बाद बोल लूंगा।

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): That is all right. You will continue after lunch. Now, the House stands adjourned till two o'clock.

The House then adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at two of the clock, **The Deputy Chairman** in the Chair.

THE LOKPAL BILL, 1985

Amendment to Motion for reference of Bill to Joint Committee

THE MINISTER OF LAW AND JUSTICE (SHRI ASOKE KUMAR SEN): Madam, I beg to move the following Motion amending the Motion adopted by the House today, the 29th August, 1985, concurring in the recommendation of the Lok Sabha to refer the Lok Pal Bill, 1985, to the Joint Committee of the House:—

"That in the said Motion, for the name of Shri Murlidhar Chandrakant Bhandare appearing at Sl.